

109TH CONGRESS
1ST SESSION

H. R. 794

To correct the south boundary of the Colorado River Indian Reservation
in Arizona, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2005

Mr. GRIJALVA (for himself, Mr. PASTOR, Mr. HAYWORTH, Mrs. NAPOLITANO,
Mr. RENZI, Mr. KOLBE, Mr. BACA, and Mr. FLAKE) introduced the fol-
lowing bill; which was referred to the Committee on Resources

A BILL

To correct the south boundary of the Colorado River Indian
Reservation in Arizona, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE, FINDINGS, PURPOSES.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Colorado River Indian Reservation Boundary Correction
6 Act”.

7 (b) **FINDINGS.**—Congress finds the following:

8 (1) The Act of March 3, 1865, created the Col-
9 orado River Indian Reservation (hereinafter “Res-
10 ervation”) along the Colorado River in Arizona and

1 California for the “Indians of said river and its trib-
2 utaries”.

3 (2) In 1873 and 1874, President Grant issued
4 Executive Orders to expand the Reservation south-
5 ward and to secure its southern boundary at a clear-
6 ly recognizable geographic location in order to fore-
7 stall non-Indian encroachment and conflicts with the
8 Indians of the Reservation.

9 (3) In 1875, Mr. Chandler Robbins surveyed
10 the Reservation (hereinafter “the Robbins Survey”)
11 and delineated its new southern boundary, which in-
12 cluded approximately 16,000 additional acres (here-
13 inafter “the La Paz lands”), as part of the Reserva-
14 tion.

15 (4) On May 15, 1876, President Grant issued
16 an Executive Order that established the Reserva-
17 tion’s boundaries as those delineated by the Robbins
18 Survey.

19 (5) In 1907, as a result of increasingly frequent
20 trespasses by miners and cattle and at the request
21 of the Bureau of Indian Affairs, the General Land
22 Office of the United States provided for a resurvey
23 of the southern and southeastern areas of the Res-
24 ervation.

1 (6) In 1914, the General Land Office accepted
2 and approved a resurvey of the Reservation con-
3 ducted by Mr. Guy Harrington in 1912 (hereinafter
4 the “Harrington Resurvey”) which confirmed the
5 boundaries that were delineated by the Robbins Sur-
6 vey and established by Executive Order in 1876.

7 (7) On November 19, 1915, the Secretary of
8 the Interior reversed the decision of the General
9 Land Office to accept the Harrington Resurvey, and
10 upon his recommendation on November 22, 1915,
11 President Wilson issued Executive Order No. 2273
12 “. . . to correct the error in location said southern
13 boundary line . . .”—and thus effectively excluded
14 the La Paz lands from the Reservation.

15 (8) Historical evidence compiled by the Depart-
16 ment of the Interior supports the conclusion that the
17 reason given by the Secretary in recommending that
18 the President issue the 1915 Executive Order—“to
19 correct an error in locating the southern bound-
20 ary”—was itself in error and that the La Paz lands
21 should not have been excluded from the Reservation.

22 (9) The La Paz lands continue to hold cultural
23 and historical significance, as well as economic devel-
24 opment potential, for the Colorado River Indian

1 tribes, who have consistently sought to have such
2 lands restored to their Reservation.

3 (c) PURPOSES.—The purposes of this Act are:

4 (1) To correct the south boundary of the Res-
5 ervation by reestablishing such boundary as it was
6 delineated by the Robbins Survey and affirmed by
7 the Harrington Resurvey.

8 (2) To restore the La Paz lands to the Reserva-
9 tion, subject to valid existing rights under Federal
10 law and to provide for continued reasonable public
11 access for recreational purposes.

12 (3) To provide for the Secretary of the Interior
13 to review and ensure that the corrected Reservation
14 boundary is resurveyed and marked in conformance
15 with the public system of surveys extended over such
16 lands.

17 **SEC. 2. BOUNDARY CORRECTION, RESTORATION, DESCRIP-**
18 **TION.**

19 (a) BOUNDARY.—The boundaries of the Colorado
20 River Indian Reservation are hereby declared to include
21 those boundaries as were delineated by the Robbins Sur-
22 vey, affirmed by the Harrington Survey, and described as
23 follows: The approximately 15,375 acres of Federal land
24 described as “Lands Identified for Transfer to Colorado
25 River Indian Tribes” on the map prepared by the Bureau

1 of Land Management entitled “Colorado River Indian
2 Reservation Boundary Correction Act, and dated January
3 4, 2005”, (hereinafter referred to as the “Map”).

4 (b) MAP.—The Map shall be available for review at
5 the Bureau of Land Management.

6 (c) RESTORATION.—Subject to valid existing rights
7 under Federal law, all right, title, and interest of the
8 United States to those lands within the boundaries de-
9 clared in subsection (a) that were excluded from the Colo-
10 rado River Indian Reservation pursuant to Executive
11 Order No. 2273 (November 22, 1915) are hereby restored
12 to the Reservation and shall be held in trust by the United
13 States on behalf of the Colorado River Indian Tribes.

14 (d) EXCLUSION.—Excluded from the lands restored
15 to trust status on behalf of the Colorado River Indian
16 Tribes that are described in subsection (a) are 2 parcels
17 of Arizona State Lands identified on the Map as “State
18 Lands” and totaling 320 acres and 520 acres.

19 **SEC. 3. RESURVEY AND MARKING.**

20 The Secretary of the Interior shall ensure that the
21 boundary for the restored lands described in section 2(a)
22 is surveyed and clearly marked in conformance with the
23 public system of surveys extended over such lands.

1 **SEC. 4. WATER RIGHTS.**

2 The restored lands described in section 2(a) and
3 shown on the Map shall have no Federal reserve water
4 rights to surface water or ground water from any source.

5 **SEC. 5. PUBLIC ACCESS.**

6 Continued access to the restored lands described in
7 section (2)(a) for hunting and other existing recreational
8 purposes shall remain available to the public under reason-
9 able rules and regulations promulgated by the Colorado
10 River Indian Tribes.

11 **SEC. 6. ECONOMIC ACTIVITY.**

12 (a) IN GENERAL.—The restored lands described in
13 section (2)(a) shall be subject to all rights-of-way, ease-
14 ments, leases, and mining claims existing on the date of
15 the enactment of this Act. The United States reserves the
16 right to continue all Reclamation projects, including the
17 right to access and remove mineral materials for Colorado
18 River maintenance on the restored lands described in sec-
19 tion (2)(a).

20 (b) ADDITIONAL RIGHTS-OF-WAY.—Notwithstanding
21 any other provision of law, the Secretary, in consultation
22 with the Tribe, shall grant additional rights-of-way, expan-
23 sions, or renewals of existing rights-of-way for roads, utili-
24 ties, and other accommodations to adjoining landowners
25 or existing right-of-way holders, or their successors and
26 assigns, if—

1 (1) the proposed right-of-way is necessary to
2 the needs of the applicant;

3 (2) the proposed right-of-way acquisition will
4 not cause significant and substantial harm to the
5 Colorado River Indian Tribes; and

6 (3) the proposed right-of-way complies with the
7 procedures in part 169 of title 25, Code of Federal
8 Regulations consistent with this subsection and
9 other generally applicable Federal laws unrelated to
10 the acquisition of interests on trust lands, except
11 that section 169.3 of those regulations shall not be
12 applicable to expansions or renewals of existing
13 rights-of-way for roads and utilities.

14 (c) FEES.—The fees charged for the renewal of any
15 valid lease, easement, or right-of-way subject to this sec-
16 tion shall not be greater than the current Federal rate
17 for such a lease, easement, or right-of-way at the time of
18 renewal if the holder has been in substantial compliance
19 with all terms of the lease, easement, or right-of-way.

20 **SEC. 7. GAMING.**

21 Land taken into trust under this Act shall neither
22 be considered to have been taken into trust for gaming
23 nor be used for gaming (as that term is used in the Indian
24 Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).

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